



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

OCT 22 2010



Department of the Interior Acquisition Policy Release (DIAPR) 2011-01

Subject: Class Deviation – Public Access to Information in the Federal Awardee Performance and Integrity Information System (FAPIIS)

References: Federal Acquisition Regulation (FAR) 52.209-8, Updates of Information Regarding Responsibility Matters
Public Law 111-212, enacted July 29, 2010

1. Purpose:

The purpose of this DIAPR is to issue a class deviation from FAR 52.209-8, Updates of Information Regarding Responsibility Matters, replacing the clause text with revised language per Public Law 111-212, enacted July 29, 2010.

DIAPR 2010-17, Class Deviation – Temporary Postponement of the Requirements for Suspending and Debarring Officials to Enter, and Contracting Officers to Access and Consider, Data on Administrative Agreements in the Federal Awardee Performance and Integrity Information System, is hereby cancelled. FAPIIS has been changed to permit entry of data on administrative agreements.

2. Effective Date:

Upon signature.

3. Expiration Date:

This DIAPR will remain in effect until the clause is changed in the FAR.

4. Background and Explanation:

The final FAR rule implementing FAPIIS was effective April 22, 2010, and established a clause that contracting officers (COs) must insert in certain contracts. However, Public Law 111-212, enacted July 29, 2010, made changes regarding public access to the information in FAPIIS. The law requires information in FAPIIS, except past performance reviews, to reside on a publicly available web site. System changes are being developed in accordance with the law.


The current FAR clause at 52.209-8, Updates of Information Regarding Responsibility Matters, states that data posted in FAPIIS will not be made public, except information releasable under the Freedom of Information Act. This clause deviation is necessary in order to ease transition to public availability of information in FAPIIS. The clause deviation

contains language notifying contractors that information posted in FAPIIS on or after April 15, 2011, except past performance reviews, will be publicly available.

5. Action Required:

In accordance with FAR 1.404, I hereby authorize a class deviation from FAR clause 52.209-8, Updates of Information Regarding Responsibility Matters. Bureaus must ensure the clause deviation is available in IDEAS and FBMS for selection by contracting officers. Contracting officers must include the attached clause deviation in new solicitations and contracts as prescribed in FAR 9.104-7(c).

Please disseminate this guidance within your bureau. It will also be available on the web at <http://www.doi.gov/pam/diapr.html>. You may contact Tiffany Schermerhorn of PAM on (202) 513-0747 or Tiffany_Schermerhorn@ios.doi.gov if you have any questions regarding this policy issuance.



Debra E. Sonderman, Director
Office of Acquisition and Property Management

Attachment

52.209-8 Updates of Information Regarding Responsibility Matters.

As prescribed at 9.104-7 (c), insert the following clause:

UPDATES OF INFORMATION REGARDING RESPONSIBILITY MATTERS (DEVIATION) (OCT 2010)

(a)(1) The Contractor shall update the information in the Federal Awardee Performance and Integrity Information System (FAPIS) on a semi-annual basis, throughout the life of the contract, by posting the required information in the Central Contractor Registration database at <http://www.ccr.gov> (see 52.204-7).

(2) At the first semi-annual update on or after April 15, 2011, the Contractor shall post again any required information that the contractor posted prior to April 15, 2011.

(b)(1) The Contractor will receive notification when the Government posts new information to the Contractor's record.

(2) The Contractor will have an opportunity to post comments regarding information that has been posted by the Government. The comments will be retained as long as the associated information is retained, *i.e.*, for a total period of 6 years. Contractor comments will remain a part of the record unless the Contractor revises them.

(3) Public access to information in FAPIS. (i) Public requests for system information that was submitted prior to April 15, 2011, will be handled under Freedom of Information Act procedures, including, where appropriate, procedures promulgated under E.O. 12600.

(ii) As required by section 3010 of Public Law 111-212, all information posted in FAPIS on or after April 15, 2011, except past performance reviews, will be publicly available.

(End of clause)